IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 50 (SS) OF 2006

Vimla Sharma, (C.P. 203,), W/o Shri Ved Prakash Sharma,
Presently posted at P.S. Dalanwala,
R/o Police Line Race Course, Room No. 100,
District- Dehradun. .....Petitioner.

Versus

1. State of Uttaranchal, through its Secretary Home, Secretariat, Uttaranchal.
2. The Deputy Inspector General of Police, Garjwa; Ramge. Dehradun. Uttaranchal.
3. The Senior Superintendent of Police, Dehradun.

.....Respondents.

Sri Vinod Sharma, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 27.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the impugned order No. C.O.G. 307-2005-96, dated 6-1-2006 and the order dated 9-1-2006 (Annexure No. 1) by which the petitioner has been transferred from Dehradun to District Tehri Garhwal.

Brief facts giving rise to the present writ petition are that the petitioner is a lady constable having three dependents, but except petitioner there is no one to look-after them. Husband of the petitioner is in Army presently posted at Assam.

Petitioner has submitted that on the application of one Constable Mr. Jagdish Semwal, who is a close relative of her and is having personal enmity (property dispute) with the

family of the petitioner, the petitioner has been transferred form Dehradun to District Tehri.

The grievance of the petitioner is that she has one daughter namely Km. Manisa, who is studying in Class X in Guru Ram Rai School at Dehradun and a son Master Shewansh Sharma, who is studying in Class VII and if the petitioner is transferred to different the study of both her children will be affected.

The petitioner has also submitted that her father Mr. Hans Dev, who is aged about 85 years is a heart patient and except the petitioner, there is no other person to look after him.

At the time of admission on 25.01.2005, following interim order was passed:-

"Heard.

Admit.

Notices on behalf of respondent Nos. 1, 2 and 3 are accepted by the learned Standing Counsel who prays for and is allowed three weeks' time to file counter affidavit.

List thereafter.

Meanwhile, if the representation is made by the petitioner within a week from today, the same shall be disposed of by the concerned authority within a period of one month.

Urgency application stands disposed of."

In view of the aforesaid interim order and the grievance made by the petitioner, the writ petition is disposed of directing the respondents to pass suitable order on the representation of the petitioner within a period of six weeks from the date of presentation of the certified copy of the order.

Till the disposal of the representation, order dated o-09.01.2006 shall remain in abeyance.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

27.02.2006
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